

COVINGTON & BURLING

EX PARTE OR LATE FILED

1201 PENNSYLVANIA AVENUE NW WASHINGTON, DC
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

WASHINGTON, DC
NEW YORK
LONDON
BRUSSELS
SAN FRANCISCO

JENNIFER A. JOHNSON
TEL 202.662.5552
FAX 202.778.5552
JJOHNSON@COV.COM

ORIGINAL

March 3, 2004

By Hand Delivery

RECEIVED

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

MAR - 3 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Notice in CS Docket Nos. 98-120 and 00-96

Dear Ms. Dortch:

On March 2, 2004, Jonathan Blake and Jennifer Johnson, counsel for the NBC Television Affiliates, Terry Mackin, Executive Vice President of Hearst-Argyle Television, Inc. and Vice Chair of the NBC Television Affiliates, Cynthia Augustine, President of The New York Times Broadcasting Group and member of the NBC Television Affiliates Board, Eric Land, President and General Manager of WFLA-TV (Media General), Jay Ireland, President, NBC Television Stations, and Bill LeBeau, Senior Regulatory Counsel, NBC Washington, met on the issue of digital cable carriage with Commissioner Abernathy and Legal Advisor Stacy Fuller; Jon Cody, Legal Advisor to Chairman Powell; Jordan Goldstein, Legal Advisor to Commissioner Copps; and Johanna Shelton, Legal Advisor to Commissioner Adelstein. In addition, Mr. Blake, Ms. Johnson, Mr. Mackin, Ms. Augustine, and Mr. Land met with Commissioner Martin and Legal Advisor Catherine Bohigian.

During these meetings, the NBC and affiliates representatives discussed the importance of cable carriage requirements for broadcasters' multicast DTV offerings, with reference to the recent factual submissions made by the NBC Television Affiliates and the CBS Television Network Affiliates Association. The NBC and affiliates representatives also discussed the progress made in developing a cooperative multicast plan, current multicast plans and offerings from the stations represented, and difficulties the stations have had in obtaining cable carriage for their multicast DTV offerings. These broadcasters also emphasized the public interest benefits that broadcasters' multicast digital services will provide, provided they are able to develop and thrive. Pursuant to Section 1.1206(b) of the Commission's Rules, an original and three copies (two for each docket number) of this letter are being submitted to the Secretary's office, with a copy to those at the FCC who participated in the meetings.

Please direct any questions regarding this notice to the undersigned.

Respectfully submitted,

No. of Copies rec'd
List ABCDE

CH3

Jennifer A. Johnson

COVINGTON & BURLING

Ms. Marlene H. Dortch

March 3, 2004

Page 2

cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin J. Martin
Stacy Fuller, Esq.
Jon Cody, Esq.
Jordan Goldstein, Esq.
Johanna Shelton, Esq.
Catherine Bohigian, Esq.